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## CORRESPONDENCE

Concerning the Claims of the

UNIVERSITY OF TEXAS

UPON THE STATE OF TEXAS.

## CORRESPONDENCE

### CONCERNING THE CLAIMS OF THE UNIVERSITY OF TEXAS UPON THE STATE OF TEXAS.

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EXECUTIVE OFFICE, AUSTIN, March 28, 1888.

*Dr. Waggener:*

MY DEAR SIR:—I would be pleased to have you or Dr. Wooten supply me, at your earliest convenience, such information as you may possess relating to the funds of the University, claimed to have been appropriated to other purposes by former Legislatures and still remaining unpaid.

Very respectfully, etc.

L. S. Ross,  
Governor.

UNIVERSITY OF TEXAS, March 28, 1888.

*His Excellency, Governor L. S. Ross, Austin, Texas:*

DEAR SIR:—In reply to your favor of this date asking for information "relating to the funds of the University claimed to have been appropriated to other purposes by former Legislatures and still remaining unpaid," I beg leave to call attention to the following:

The funds due the University from the State may be classed under three heads: First, (*A*) the amount misappropriated for the maintenance of the Prairie View Normal School; second, (*B*) the amount borrowed from the University Fund by the State and not returned; third, (*C*) the amount due on State Warrants received for University lands but not paid to the University.

*A. The Prairie View Normal School.*—The Prairie View Normal School is a State institution for the instruction of colored teachers, and is now entirely supported out of the general revenue.

It has no statutory connection with the University, and never had any; yet between the years 1879 and 1881 the following appropriations out of the University fund were made for the support and maintenance of this school:

Act of April 29, 1879.....	\$12,000
Act of July 9, 1879.....	1,600
Act of April 1, 1881.....	14,000
Total.....	\$27,600

Of this amount only \$14,495.73 was disbursed, as appears from the statement made by Comptroller Wm. J. Swain, in answer to inquiry made November 27, 1886:

"AUSTIN, November 27, 1886.

"Hon. T. D. Wooten, President Board of Regents, University of Texas:

"SIR:—In reply to your inquiry of this date, relative to the amount of the University fund appropriated for the support of the Prairie View Normal School, you are informed that the sum of \$27,600 was appropriated, and of said amount there has been disbursed the sum of \$14,495.73-

Respectfully,

WM. J. SWAIN,  
Comptroller."

In answer to further inquiry the following itemized statement of amount disbursed was furnished:

"Hon. T. D. Wooten, President Board of Regents University of Texas, Austin Texas:

"SIR:—Enclosed I hand you statement of amounts paid out of University fund for the support of the Prairie View Normal School, from the 16th of October, 1879, to the 12th of November, 1881, inclusive.

Respectfully,

WM. J. SWAIN,  
Comptroller."

PRAIRIE VIEW NORMAL SCHOOL FROM UNIVERSITY FUND.

1879.	
October 16.....	\$ 1,418 25
November 8.....	132 10
November 13.....	7 26
December 3.....	413 55
December 10.....	722 29
December 27.....	20 00
1880.	
January 6.....	314 80
January 12.....	204 95
January 12.....	333 32
January 20.....	173 00

January 23.....	19 10
February 7.....	76 25
February 11.....	253 32
February 16.....	229 30
March 8.....	442 21
March 9.....	122 24
March 16.....	220 00
March 30.....	16 80
April 9.....	44 55
April 20.....	219 99
May 8.....	358 32
May 18.....	235 29
May 22.....	89 24
May 24.....	31 38
June 8.....	22 61
June 25.....	24 60
June 26.....	393 48
June 27.....	118 09
July 1.....	219 99
July 22.....	20 70
July 22.....	72 66
August 4.....	30 50
August 17.....	10 00
August 31.....	108 29
October 2.....	157 59
October 20.....	141 05
October 28.....	510 82
November 16.....	227 99
December 2.....	207 85
December 8.....	8 05
December 10.....	194 59
December 20.....	361 87
December 24.....	155 55
1881.	
January 8.....	66 66
January 21.....	19 00
February 10.....	226 79
February 28.....	503 85
March 5.....	84 20
March 9.....	433 33
March 15.....	50 00
March 15.....	25 80
March 18.....	19 65
April 7.....	50 00
April 16.....	308 62
April 23.....	14 55
May 11.....	116 66
May 27.....	265 12
June 1.....	183 53
July 5.....	103 63
July 7.....	46 55
July 13.....	52 45
July 28.....	80 33
July 28.....	283 31



August 19.....	47 30
August 24.....	28 40
September 8.....	110 40
September 15.....	34 10
September 24.....	533 33
September 29.....	128 00
October 3.....	114 05
October 6.....	145 00
October 5.....	50 00
October 11.....	52 80
October 13.....	149 75
October 29.....	31 80
November 2.....	226 93
November 7.....	665 83
November 8.....	21 90
November 9.....	112 45
November 12.....	25 90

Total .....\$14,495 73

According to these statements of the Comptroller, the sum of \$13,104.27, though appropriated by the Legislature, was not disbursed. The sum of \$14,495.73, however, was disbursed, and the Regents claim that it should be refunded to the University, with interest. The claim is founded on the fact that the Prairie View Normal School is in no sense of the word a part or branch of the University. It is a State institution, it is true, and so is the Lunatic Asylum and the Asylum for the Deaf and Dumb and the Blind. The Legislature might as well draw on the University fund for the support of these institutions. The claim is, moreover, supported by the fact that not only has no additional appropriation for the Prairie View Normal School been made or asked for out of the University fund, but the balance appropriated, \$13,104.27, has never been disbursed. This amounts, in the opinion of the Regents, to a tacit acknowledgment that the Prairie View Normal School is not entitled to further appropriations from the University fund, or even to the balance appropriated and not disbursed. It is respectfully submitted that if this institution is not entitled to draw any more money from the University fund, it is not entitled to what it has already drawn, and

that therefore the \$14,495.73 disbursed should be refunded with interest.

*B. Money borrowed from the University fund by the State and not returned.*—The Legislature has at various times authorized certain amounts to be transferred from the University fund to the general fund.

It seems that an act was approved January 31, 1860, authorizing \$109,472.26 in United States bonds to be borrowed from the University funds for frontier defenses; that an act was approved January 29, 1861, borrowing for the per diem of members and officers of the extra session \$9,786.62 in specie; that an act was approved February 8, 1861, borrowing for the ordinary expenses of government \$25,000 in United States bonds, and that an act was approved January 9, 1862, borrowing \$1,500 in specie. The books of the Comptroller show that under this last act \$1,520.40 was actually drawn. The evident intention was to take it all, but it seems that the sum of fifty-seven cents was left. Why this was not taken does not appear. In each of these acts there is a distinct promise to pay the borrowed money back to the University as soon as there should be sufficient means in the treasury. According to the statements of the Comptroller, this promise was kept only in case of the first and third transfers, amounting to \$134,472.26. No provision has ever been made by the State to restore the second and fourth transfers, amounting to \$11,289.02. The Regents, therefore, respectfully ask that this amount be refunded to the University, with interest from date of transfer.

*C. State warrants received for University lands but not paid by the State.*—It seems that in January, 1862, there was to the credit of the University \$16,694.77 in treasury warrants, and that from January, 1862, to June, 1865, there was received in warrants the additional sum of \$5,836.03, making a total of \$22,530.80 to the credit of the

University fund. The non-interest bearing warrants, amounting to \$10,300.41, were cancelled under the following circumstances, as given by Comptroller Darden, in his report dated January 6, 1881: "Attention is called to the item \$10,300.41 in Comptroller's certificate of debt, appearing to the credit of University land sales account. This certificate of indebtedness was issued to that fund by the Comptroller, W. L. Robards, June 8, 1865, in lieu of a like amount of State warrants which had been paid in to the credit of that fund for the purchase of University lands, under act of December 13, 1863. These warrants were destroyed and the indebtedness of the State to the University fund recognized by the Comptroller by the issuance of the certificate of debt." This certificate of debt was recognized by the act of February, 1883, and ordered to be paid in full; but the \$12,230.39 in warrants bearing 10 per cent. interest has never been paid. All of which is evidenced by the following statement from the Comptroller in answer to inquiry of November, 1886:

"OFFICE OF COMPTROLLER, AUSTIN, NOV. 23, 1886.

"*Hon. T. D. Wooten, President Board of Regents, Austin, Texas:*

"Sir—In compliance with your request that I inform you how much of the University funds has been at different times appropriated to the general expenses of the State government, and whether all sums thus appropriated have been restored to the University fund, I give you the following facts shown by the books and records of this department:

"By authority of an act of the Legislature, approved January 31, 1860, there was transferred from the University fund to the general fund, for the ordinary expenses of the government, the sum of \$100,000, in United States bonds, and interest on the same, \$9,472.26.

By authority of an act of the Legislature, approved January 29, 1861, there was a further transfer of \$9,786.62 from the University to the general fund.

On February 8, 1861, another act of the Legislature was approved, by which the additional transfer of \$25,000 was authorized from the University fund, and by a subsequent act, passed January 9, 1862, another transfer was made from the University fund to the general fund amounting to \$1,520.40, making the total amount of University funds used in payment of the ordinary current expenses of the State government as follows:

By act of January 31, 1860.....	\$109,472 26
By act of January 29, 1861.....	9,786 62
By act of February 8, 1861.....	25,000 00

By act of January 9, 1862 ..... 1,520 40

The last transfer, viz.: January 9, 1862, consumed the whole of the University fund, with the following exception, viz. .

Specie.....	\$	57
Treasury warrants .....	16,694	77
From Jan. 1862, to June 1865, received in warrants.....	5,836	03
Making a total of warrants belonging to the University fund.	22,530	80

Classed as follows :

Non-interest bearing warrants.....	\$	10,300	41
Ten per cent interest bearing warrants .....	12,230	39	

These warrants were received from the sale of University lands and were paid into the treasury under authority of an act of the State Legislature, permitting the purchasers of University lands to make payment in treasury warrants.

On the 8th of June, 1865, the non-interest bearing warrants, viz.: \$10,300.41, were cancelled, and a certificate of indebtedness on the part of the State issued to the University fund.

The remaining warrants, \$12,230.39, belonging to the University fund, appear to have been dropped from the books of this office in compliance with section 3 of ordinance XII, of the Constitutional Convention, "securing the common school fund and the University fund, and for other purposes," passed April 2, 1866.

In accordance with the provisions of an act of the Legislature, approved November 12, 1866, there was issued to the University fund \$134,372.26 in 5 per cent State bonds. These bonds covered the first and third transfers from the University fund, viz.: \$109,472.25 and \$25,000.00.

No provision appears ever to have been made by the State to restore to the the University fund the amount embraced in the second and fourth transfers, viz.: \$9,768.62 and \$1,520.40, aggregating \$11,289.02.

By the provision of an act of the Legislature, approved February 23, 1883, the \$134,172.26 in 5 per cent bonds, with interest, and the \$10,300.41 certificate of debt were paid in full, leaving yet unrestored the amounts borrowed from the University funds by the act of January 29, 1861, and January 9, 1862, \$11,289.02, and State warrants received in payment of University lands \$12,230.39, the two items amounting to the sum of \$23,519.41.

Respectfully,

WM. J. SWAIN, Comptroller."

Attention is respectfully called to the fact that, in the opinion of Comptroller Swain, there is no reason why the amounts borrowed from the University fund by the act of January 29, 1861, and January 9, 1862, \$9,768.02 and \$1,520.41, should not be restored to the University. But the Comptroller is of the opinion that interest bearing warrants, amounting to \$12,230.39, were dropped from the books of his office in compliance with section 3 of ordinance XII, of the Constitutional Convention, "securing



the common school fund and the University fund and for other purposes," passed April 2, 1866. This section, so far as the University is concerned, reads as follows: "Be it ordained, etc., That the Legislature, at its first session, shall provide for issuing coupon bonds of the State for the 5 per cent United States bonds, and interest, transferred from the University fund to the State revenue account, in February, 1860, and when issued they shall be placed in the treasury to the credit of said fund. Be it further ordained, That the Legislature of this State shall have no authority and are hereby forbidden to assume or provide by taxation or otherwise, for the payment of any other claim or pretended liability of the State to said fund, not enumerated in this ordinance." In view of the fact that the next Legislature convening in the same year in which the Convention met, and under the Constitution adopted by it, did assume and provide for the payment of other claims, to-wit: The \$25,000 borrowed by act of February 8, 1861; and in view of the fact that Comptroller Robards, who was fully aware of this Constitutional provision, recognized as valid the \$10,300.41 in warrants, by keeping this item on his books, the Regents respectfully suggest that the ordinance referred to by the Comptroller was intended to be construed as referring to fraudulent and pretended claims, and not to money borrowed by an act of the Legislature, which solemnly pledges the State to refund the same as soon as possible, nor to warrants which were received according to law in payment for University lands for which patents were issued by the State. It is presumed that the Convention of 1866 did not intend to deprive the University of any part of its appropriate fund, for in article X, sec. 8, of the Constitution adopted by this Convention, it is ordained that "the moneys and lands heretofore granted or which may hereafter be granted for the endowment and support of one or more Universities, shall constitute a special fund for the

maintenance of said Universities; \* \* \* and the Legislature shall have no power to appropriate the University fund for any other purpose than that of the maintenance of said Universities." The opinion is also ventured that this claim of \$12,230.39 from interest bearing warrants, and the claim of \$11,289.05 borrowed money, would have been recognized, as was the debt of \$25,000, had they not been simply overlooked; there being up to 1882 no board or officer whose especial business it was to bring to the notice of the Legislature matters relating to the University and its endowment.

The Regents therefore ask that \$12,230.39 with interest at 10 per cent from June 1, 1856, be repaid to the University fund.

To recapitulate: The funds of the University claimed to have been appropriated to other purposes by former Legislatures and still remaining unpaid are as follows:

<i>A</i> —The Prairie View Normal School Appropriation.....	\$ 14,495 73
Interest.....	8,214 26
<i>B</i> —Money borrowed for State expenses.....	11,289 02
Interest .....	24,540 48
<i>C</i> —Unredeemed warrants.....	12,230 39
Interest.....	28,028 00

Respectfully submitted,

THOS. D. WOOTEN,  
President Board of Regents.

UNIVERSITY OF TEXAS, April 10, 1888.

*To His Excellency, L. S. Ross, Governor of Texas:*

DEAR SIR:—In accordance with your request of March 28, that you be furnished with information in regard to money due the University from the State, the following, in addition to statement already rendered, is most respectfully submitted:

In compliance with the act of January 4, 1862, and of December 16, 1863, of the Texas Legislature, Confederate notes were received by the State during the years 1862-1865, in payment for University lands. In Paschal's Digest, Article 3571, Note, it is said that "very large amounts, due the University fund, were paid in Confederate money, under these laws."

The Regents have had some difficulty in ascertaining the exact amount paid for University land during the war in Confederate notes, and also in ascertaining the disposition of this money by the State authorities. Both of these points can now, however, be clearly stated; and the attention of your Excellency is most respectfully invited to their consideration.

When the Texas State Convention assembled in Austin, February 7, 1866, "to alter or amend the Constitution of the State," one of its first acts was to appoint a "Committee on Finance" to audit, among other duties, the several trust funds of the State. On March 23, 1866, that Committee reported as follows:

"The Committee find there has been paid into the Treasury, on account of University lands:

Specie on account, principal and interest on notes.....	\$ 37,932 04
Ten per cent. interest bearing warrants.....	12,230 39
Non-interest bearing warrants.....	10,300 41
Confederate notes.....	114,804 48
Transferred to State Revenue account.....	203,901 30

Amounting to.....\$379,168 62

which has been converted and expended, during the war, by the State authorities."—Journal of the Texas State Convention of 1866, page 275.

A letter of inquiry was addressed to the Comptroller, asking for information in regard to the item, "Confederate notes \$114,804.48." The following answer was received:

"OFFICE OF COMPTROLLER, AUSTIN, April 6, 1888.

*"Dr. T. D. Wooten, President Board of Regents, University of Texas, Austin, Texas:*

"DEAR SIR:—In reply to yours of the 4th inst., in which you ask the following: 'Referring to the report of the Finance Committee as published in the Journal of the Texas State Convention, assembled in Austin, February 7, 1866, page 275,—I beg leave to ask, whether the amount of \$114,804.48, mentioned by the Committee as having been paid into the Treasury in Confederate notes on account of University lands, has been kept on your books to the credit of the University fund? If not, why was it dropped?' I have to state, that the books of this office show the items that go to make up the \$114,804.48, referred to, disposed of as follows: \$40,000.00 was transferred to State Revenue account on the 30th of May, 1863, by order of Comptroller; \$74,804.48 was turned over to the Confederate States depository at Austin, on February 28, 1865, to be exchanged for C. S. bonds, or notes of new issue. This is the last record made of this item. Neither of the amounts referred to, as making up the \$114,804.48, have been restored to the University fund.

I have the honor to be, very respectfully,

JNO. D. McCALL,

Comptroller of Public Accounts."

Upon the request for additional information and statement covering the period referred to as "during the war," the following balance sheet and explanatory letter were received:

#### UNIVERSITY FUND ACCOUNT.

1858			1860		
Nov. 1	To amount receipt balance on hand this date in United States Bonds.....	\$100,000 00	Feb. 29	By amount expenses of land sales.....	\$1,641 45
	To Specie.....	1,972 26		By amount transferred to State Revenue.....	100,000 00
1859				By interest on same.....	9,472 62
Aug. 31	To amount of interest on U. S. Bonds during month of August.....	5,000 00	1861		
Nov. 30	To land sales in November...	8,801 00	Feb. 28	By amount transferred to State Revenue under act of January 29, 1861.....	9,768 62
Dec. 31	To land sales in December..	11,180 44		Under act of Feb. 8, 1861..	25,000 00
1860			1862		
Jan. 31	To land sales in January....	645 84	Feb. 28	By amount transferred to State Revenue in paym't of contingent expenses of the Ninth Legislature....	1,521 40
Feb. 19	To interest on U. S. Bonds to January 1.....	2,500 00		By balance on hand, transferred to University land sales—specie.....	57
	To land sales in Feb'y, specie	584 72		Confederate notes.....	3,952 74
Mar. 31	To land sales in March "	199 16		Treasury warrants.....	4,638 97
Aug. 31	To land sales in August "	203 84		10 per ct. int. warrants....	12,055 80
Nov. 30	To land sales, quarter "	5,781 18			
1861					
Feb. 28	To land sales, quarter "	10,526 70			
May 31	To land sales, quarter "	2,765 78			
Aug. 31	To land sales, quarter "	395 27			
Nov. 30	To land sales, quarter "	2,601 17			
1862					
Feb. 28	To land sales, quarter "	4,607 80			
May 31	To land sales, quarter "	57			
	To do, Confederate notes...	488 46			
	To do, Treasury warrants..	1, 85 37			
	To do, 10 per ct. int. warr'ts	4,389 10			
Aug. 31	To land sales for quarter...	3,823 15			
		\$168,051 81			\$168,051 81



UNIVERSITY LAND SALES ACCOUNT.

	Specie.	Treasury Warrants	Confed. Notes.	10 per cent Treasury Warrants
1862				
Nov. — To transfer from University Funds—balances.....	\$.57	\$4,633 97	\$3,952 74	\$12,055 80
Nov. 30 To Land Sales.....			2,273 00	
1863				
Feb. 28 To Land Sales.....		135 00	17,586 09	57 98
May 31 To Land Sales.....			16,199 36	116 61
Aug. 31 To Land Sales.....			16,096 31	
Nov. 30 To Land Sales.....			57,594 40	
1864				
Feb. 29 To Land Sales.....			5,931 58	
May 31 To transfer from Confederate notes to Treasury warrant column—deposited erroneously.....		5,129 00		
	.57	\$9,902 97	\$119,933 48	\$12,230 39
<i>Contra.</i>				
1863				
May 30 By transfer to State Rev. by order Comptroller..			\$10,000 00	
1864				
May 31 By transfer from Confederate Notes to Treasury warrant column—deposited erroneously.....			5,129 00	
1865				
Feb. 28 By amount non-int. bearing Confederate notes, old issue, delivered to F. Priestley, C. S. depository at Austin, by order of Comptroller, to be exchanged under the several laws of the C. S. Congress and the State Legislature relating thereto, for C. S. bonds and notes of new issue.			74,804 48	
By balances.....	.57	9,902 97		12,240 39
	.57	\$9,902 97	\$119,933 48	\$12,230 39
1865				
Feb. 28 To Balances.....	.57	\$9,902 97		\$12,230 39
May 31 To Land Sales.....		387 44		
June 8 To Comptroller's certificate, issued in lieu of treasury warrant.....			10,300 41	
	.57	\$10,300 41	\$10,300 41	\$12,330 39
<i>Contra.</i>				
1865				
June 8 By warrant cancelled and Comptroller's certificate issued therefor.....		\$10,300 41		
By Balances.....	.57		*10,300 41	12,230 39
	.57	\$10,300 41	\$10,300 41	\$12,230 38
*Comptroller's Certificate.				
To Balances on hand.....	.57		\$10,300 41	\$12,230 39

SUMMARY OF UNIVERSITY LAND SALES.

To total receipts from all sources including balance on hand Nov. 1, 1858.....	\$284,739 58	By total transfers to State revenue..	\$135,762 28
		amount expenses of land sales..	1,641 45
		amount Confederate notes delivered to C. S. depository to be converted into new issue.....	74,804 48
		balances on hand Jun 8, '65, specie	57
		Comptroller's certificate.....	10,300 41
		10 per cent treasury warrants....	12,240 39
	284,739 58		284,739 58

"OFFICE OF COMPTROLLER, AUSTIN, April 6, 1888.

"Dr. T. D. Wooten, President Board of Regents, University of Texas :

"Dear Sir—Replying to your favor of the 4th inst., I herewith enclose itemized statement of the University fund and University land sales account, showing receipts, transfers and disbursements of same, from Nov. 1, 1858, to June 8, 1865. Transfers are shown to State revenue account as follows :

Act of Jan. 31, 1860, U. S. 5 per cent. bonds .....	\$100,000 00
Interest on same.....	9,472 26
Act of Jan. 29, 1861, specie borrowed.....	9,768 62
Act of Feb. 8, 1861,       "       " .....	25,000 00
Act of Jan. 9, 1862,       "       " .....	1,521 40
Transferred to revenue, May 30, 1863.....	40,000 00

Total.....\$185,762 28

"Of these amounts the following items have been restored to the University fund in accordance with the provisions of an act of the Legislature, Feb. 23, 1883, namely: the first, second and fourth items of the above, aggregating \$134,472.26, leaving a balance unrestored that was actually borrowed and so transferred, of \$51,290.02.

"The item of \$40,000 that was transferred to State revenue account on the 30th of May, 1863, has this note with the entry: 'This amount is transferred by order of the Comptroller.' If there was any authority of law for this transfer, no reference appears thereto, nor has any such law been found by this department.

"The item of \$74,804.48 Confederate notes, which appears in the disbursements, was turned over to P. Priestley, C. S. depositary at Austin, by order of Comptroller, on Feb. 28, 1865, to be exchanged under the several laws of the Confederate States Congress, and the State Legislature relative thereto, for Confederate States bonds and notes of new issue.

"The item of Comptroller's certificate of \$10,300.41 was restored to the University by act of Feb. 23, 1883.

"The remaining balance on hand June 8, 1865, of the 10 per cent. treasury warrants for \$12,230.39 appears to have been dropped from the books of this office in compliance with section 3 of ordinance XII. of the State Constitutional Convention, on April 2, 1866.

"A summing up of the whole gives the following:

Amounts actually borrowed.....	\$185,762 28
Amount treasury warrants dropped.....	12,230 39
Confederate notes .....	74,804 48
Comptroller's certificate.....	10,300 41

Total.....\$283,097 56

Amount restored .....

Balance not restored .....

"The following making up said balance:

Amount transferred under act of Jan. 29, 1861.....	\$ 9,768 62
Amount transferred under act of Jan. 9, 1862.....	1,521 40
Amount of Comptroller's transfer May 30, 1863.....	40,000 00
Amount of Confederate notes turned for exchange for new issue.....	74,804 48
Amount of 10 per cent. treasury warrants dropped.....	12,230 39

Total.....\$138,324 89

"Trusting that the itemized statement furnished will prove satisfactory,

"I have the honor to be, very respectfully,

"JNO. D. McCALL,

"Comptroller Public Accounts, State of Texas."

Of the items making up the balance (\$138,-324.89) not restored, it may be well to say that item 1, \$9,768.62; item 2, \$1,521.40, and item 5, \$12,230.39, are duly set forth, explained and asked for, in statement previously filed with your Excellency. The remainder, item 3, \$40,-000, and item 4, \$74,804.48, have not only not been restored, but so far as the Regents are informed, the attention of the Legislature has never been called to the fact that this amount of money was at one time held by the State in trust for the University. The request of your Excellency, however, that full information be given you on these points, affords the Regents an opportunity to call attention to this fact. Since this amount, \$114,804.48, is of the same character as a part of the claim allowed in 1883, (for which allowance the University is largely indebted to the interest taken in the matter by your Excellency when a member of the Senate,) the Regents are led to believe that it will be recognized and allowed.

The facts as presented in statements of Comptroller are plain and indisputable. University lands were sold during a certain period, by authority of the Legislature, for Confederate money. For these lands there was received in this money \$114,804.48, which was placed to the credit of the University fund. Of this amount \$40,000 was transferred by the Comptroller to the general revenue and used doubtless in defraying the ordinary expenses of the State government; \$74,804.48 was turned over to the Confederate States depository, to be funded under the laws of the C. S. Government in bonds for the benefit of the University. None of this money [\$114,804.48], paid for the University lands by authority of the State Legislature, has been restored to the University fund. The only question is whether the State is under obligation to return it. The Regents are of the opinion expressed by the compiler of Paschal's Digest:

“Such payments” [Confederate money for University lands] “may operate as discharges to the debtors, but it would seem to leave a just claim on the State in favor of the education [University] fund.” Paschal’s Digest, vol. 1, art. 3571, Note.

The Regents are willing to leave the statements of facts by the Comptroller to have their proper weight, trusting that the fund borrowed in the time of the emergency of the State will be returned to the Regents at the time of the emergency of the University.

It may not be out of place to say that in recognizing this claim of the University, which cannot be enforced in the courts, the Legislature will but follow in the footsteps of the general government in allowing to Texas an indemnity fund, which the State had no power to enforce or ability to collect. What Congress has just done the State Legislature can certainly do; especially as in doing this the Legislature will not be paying money to an outsider, but will be simply repaying to one department money borrowed from that department to pay the expenses of another department; or refunding securities received by order of one department in trust for another department, which securities has since become worthless.

It may be proper to say here that this claim for money paid in Confederate notes for University lands has not been filed sooner, because the facts were not until recently sufficiently known to justify a formal presentation of the matter to your Excellency, and through you to the Honorable the Legislature of the State.

In conclusion, it is respectfully stated that the full University claim, including amounts referred to in previous papers, is as follows :



1. Amount paid Prairie View Normal School.....	\$ 14,495 73
Interest on same at 8 per cent. from April 1, 1881, to May 1, 1888.....	8,214 26
2. Amount borrowed by act of Jan. 29, 1861.....	9,786 62
Interest on same at 8 per cent. from Jan. 29, 1861, to May 1, 1888.....	21,340 21
3. Amount borrowed by act of Jan. 9, 1862.....	1,520 40
Interest on same at 8 per cent. from Jan. 9, 1862, to May 1, 1888.....	3,200 27
4. Amount of 10 per cent. warrants.....	12,230 39
Interest on same at 10 per cent. from June 1, 1865, to May 1, 1888.....	28,028 00
5. Amount transferred by Comptroller May 30, 1863.....	40,000 00
Interest on same at 8 per cent. from May 30, 1863, to May 1, 1888.....	78,880 98
6. Amount turned over to C. S. depositary Feb. 28, 1865....	74,804 48
Interest on same at 8 per cent. from February 28, 1865, to May 1, 1888.....	138,687 53
Total.....	\$431,188 85
All of which is respectfully submitted.	

THOS. D. WOOTEN,  
President Board of Regents.

WACO, TEXAS, April 4, 1888.

*To His Excellency L. S. Ross, Austin, Texas :*

DEAR SIR :—Believing that you will receive respectfully any communication from your fellow citizens concerning matters of public interest, I have ventured to write you relative to a very important interest of Texas.

You may possibly recall the fact that on the day I enjoyed your hospitality, so kindly extended, last summer, I had been visiting the State University.

Very decided impressions made on my mind that day are responsible for this communication. This institution, from the very beginning, had been to me a matter of great interest.

While I was disappointed at the loss of its location to Waco, my interest suffered no abatement therefor.

Hence my investigations regarding the *real* status of its affairs while in Austin.

I could find no fault in the site, none in the faculty, none in the methods of instruction. On the contrary I was proudly gratified, at all I saw and heard in these directions. But I could not help being struck with the conviction that the Regents, Faculty and Students were sorely handicapped by vastly inadequate buildings and by lack of *availability*, at least in the funds set apart for endowment purposes by the patriotism of our Texas Fathers.

My own conscious lack of influence on those who have the power to remedy these harmful (and it seems to me unnecessary) deficiencies has kept me silent hitherto.

But the announcement of a called session of the Legislature and the *cause* thereof, so rekindled my interest in this matter, that I felt constrained to urge *somebody* to give attention to it.

So constrained, I could call to mind no one, who, as I have ventured to suppose, would listen more kindly and respectfully to my plea, than yourself.

It would be uncalled for on my part, and wholly unnecessary for you, for me to state specifically what is now most needed by the State University.

The report of the Board of Regents and their *presence* in Austin, render such a specific statement presumption on my part. But I do know something of the popular mind. The people desire to see this institution put upon a first-class basis as to material resources and facilities.

I would not for one moment assume to advise you as to the subject matter or manner of your forthcoming message to the Legislature in called session, but I do request that you will, after your own methods and according to your own sources of information, consider whether it may not be well to make some specific recommendation as to appropriations to this institution.

I ask it in behalf of a great public interest, destined, as I believe, to exert a mighty influence on the future destiny of our State.

If Mr. Jefferson, whom we both so much admire, counted it worthy of a life work to build up the Virginia University, and sleeps to-day under an epitaph, proudly commemorative of this fact. Have I presumed in attributing a similar spirit to the present Governor of a greater Commonwealth?

No man can read the Hon. A. W. Terrell's great address before ou

State University and thereafter shut his eyes to the magnitude and multitude of the great interests grouping around our State University. Interests and potentialities, however, are crippled and throttled by inadequate provision for development.

If I have ventured too far in this appeal upon any suggestion, or clothed it in unbecoming expression, I must trust to your friendship for forgiveness.

Very respectfully,

B. H. CARROLL.

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WACO, TEXAS, April 1, 1888.

*Hon. L. S. Ross, Austin, Texas:*

DEAR GOVERNOR—Ever since I learned, through the papers, that you would call an extra session of the Legislature, to provide for receiving and furnishing the new Capitol and to make disposition of the indemnity fund from the United States government, I have wanted to write to you in the interest of the University of Texas—an interest which you know, as a Texan, is very dear to my heart.

As you are aware, we have no adequate buildings, and it has occurred to me that now, as all of the State Departments have been provided with elegant apartments in character and keeping with our great State, and wise plans have been inaugurated for taking better care of the convicts in our penitentiaries, the unfortunates in our Deaf, Dumb, Blind and Insane Asylums, and a reformatory has been established for reclaiming the youthful criminals of our State, and an orphan asylum founded, that a home may be had for the parentless children of Texas, that they may be rescued from the paths of crime, that it would be a *befitting occasion* for advanced steps to be taken to carry out the cherished hopes of our fathers, in making ample and adequate provision for the higher education of the youth of our land. It has been with peculiar gratification that I have witnessed the foresight, wisdom and patriotism you have displayed during your administration, in advancing the interests of all these charitable institutions of our State, and I have felt that but one step further was needed to place this last—which should be the *greatest* of all our institutions, the University of Texas—upon a firm basis.

It occurs to me that this need is pressing, that we may complete *at home*, and not abroad, the education of our children in the higher branches of learning. The benefits of the immense revenues which are annually expended in our common schools will be largely lost if there is not a way opened for the free education of the meritorious children of Texas in the higher branches of learning. They must get this advanced training at home, or be compelled either to do without it or seek it elsewhere, thus taking from our State thousands of dollars annually, to say nothing of the lessons of patriotic devotion to all that is *Texan*, and the harmonious development of that homogeneity of character which can alone be infused and wrought out during the earlier years of life, and which constitute the strength and power of a great people.

This immense indemnity fund comes at a time when we already have an overflowing treasury, and I know of no institution which has such claims upon the State, and whose needs are so great as the University. I have felt, too, that a recommendation from you that a portion of this fund be applied to this object at this time, would be in strict accord with "*the eternal fitness of things.*" The placing of all the former State insti-

tutions upon a firm basis, and the inauguration of others to meet the growing needs of our people, have been the distinguishing features of your administration.

The weight of your personal influence and deserved popularity growing out of the confidence of the people and their representatives in your sagacity and patriotism, would doubtless lead to the adoption of any measure you might recommend. I know you will be guided by an earnest desire to promote the public good, and if this suggestion meets the approval of your own judgment, and the timely aid thus extended shall result in establishing upon an enduring basis the University of Texas, I shall feel the best interests of our State have been subserved, and a crowning glory added to your own well-earned reputation. In this, as you know, I shall always feel the deepest interest.

Sincerely your friend,

WM. L. PRATHER.

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PARIS, TEXAS, March 28, 1888.

*Hon L. S. Ross, Austin, Texas :*

DEAR GOVERNOR—I take the liberty of calling your attention to the indebtedness of the State to the University, with the hope that you will submit it with your recommendation, as a proper subject for the action of the Legislature at the contemplated extra session. It is needless to remind a gentleman of your intelligence and broad views, of the inestimable advantages to the State of a well conducted University.

I know of no principle, save force, that would enable a State, acting as trustee, withholding these funds, more especially when the State has not the excuse of want of ability. The University will never need its funds more than now, nor will the State ever be in better condition to settle. I have been long a citizen of Texas, deeply interested in its welfare, and feel that I have a right to approach the Governor on a subject of such grave importance.

Very respectfully, your obedient servant,

S. B. MAXEY.



